UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

KAY GUNDERSON REEVES,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. A-11-CA-0974-SS
	§	
	§	
U.S. FOOD & DRUG ADMINISTRATION	§	
and U.S. DEPARTMENT of HEALTH AND	§	
HUMAN SERVICES,	§	
	§	
Defendant.	§	

AGREED MOTION TO DISMISS

Now comes the U.S. Food & Drug Administration and U.S. Department of Health and Human Services (Hereinafter "FDA") by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney, and Kay Gunderson Reeves (Hereinafter "Ms. Reeves"), pro se and submit this Agreed Motion to Dismiss, and in support would show the Court as follows:

Pursuant to Federal Rule of Civil Procedure 41(a)(2) the parties hereby advise the Court that the issues in this case have been resolved and therefore request that the Court enter an order dismissing this action with prejudice and providing that each party pay its own the costs.

Wherefore premises considered, the parties respectfully request that the Court enter an order dismissing this cause as set forth above and for such other relief as the Court may deem appropriate.

Respectfully submitted,

ROBERT PITMANUNITED STATES ATTORNEY

By: /s/ Mitchell L. Weidenbach

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/s/ Kay Gunderson Reeves

KAY GUNDERSON REEVES (PRO SE)

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V.	§	CIVIL ACTION NO. A-11-CA-0974-SS
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and U.S. DEPARTMENT of HEALTH AND	§	
HUMAN SERVICES,	§	
	§	
Defendant.	§	

ORDER

On this date, came on to be considered the agreed motion of the U.S. Food & Drug Administration and the U.S. Department of Health and Human Services (collectively, FDA) and Kay Gunderson Reeves requesting the Court enter an order dismissing this action with prejudice and that each party pay the costs incurred by that party and the Court hereby finds that the same should be GRANTED.

It is therefore ORDERED that this case is DISMISSED WITH PREJUDICE, with each party to pay its own costs.

Signed this _____ day of October, 2012.

SAM SPARKS
United States District Judge